



VIA HAND DELIVERY APRIL 4, 2003

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#18

In re Letters Patent of:
Ruben et al.

Docket No.: PZ006P1C1

Patent No. 6,531,447

Issued: March 11, 2003

For: Secreted Protein HEMCM42

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APPLICATION FOR PATENT TERM ADJUSTMENT
UNDER 37 C.F.R. § 1.705(d)

Commissioner for Patents
Washington, D.C. 20231

Sir:

Applicants hereby request reconsideration of the patent term adjustment indicated on the face of U.S. Patent 6,531,447, which issued from Application No. 09/690,454 on March 11, 2003. This application includes the following attachments: (1) a Fee Transmittal Sheet with payment of the fee set forth in 37 C.F.R. § 1.18(e); (2) (**Exhibit A**) a copy of the title page of the issued patent; (3) (**Exhibit B**) a printout of the Patent Term Adjustment History obtained from PAIR; (4) (**Exhibit C**) a copy of the Letter Making Patent Office Error of Record, together with a copy of the corresponding PTO date-stamped Return Receipt Postcard; (5) (**Exhibit D**) a copy of the Official Gazette June 26, 2001 "Clarification of 37 C.F.R. § 1.704(c)(10)."

This request is being filed within 30 days of the date of issue and therefore is timely made. The fee required by 37 C.F.R. §§ 1.705(b)(1) has been paid, and the requirements of 37 C.F.R. §§ 1.705(b)(2) are satisfied by the following Statement of Facts.

Further, this request is made pursuant to 37 C.F.R. § 1.705(d) because Applicants filed a "Letter to Make PTO Error of Record" at the time of payment of the issue fee; this letter was not an amendment under 37 C.F.R. § 1.312, or other paper that caused substantial interference and delay in the patent issue process.

STATEMENT OF FACTS

(1) Issued U.S. Patent 6,531,447 indicates a patent term adjustment of 0 days. *See* Exhibit A. However, the correct patent term adjustment is 30 days. The grounds for patent term adjustment is provided by 37 C.F.R. § 1.702(a)(1), which specifies that the USPTO must “mail at least one of a notification under 35 U.S.C. § 132 or a notice of allowance under 35 U.S.C. § 151 no later than fourteen months after the date on which the application was filed under 35 U.S.C. § 111(a) or fulfilled the requirements of 35 U.S.C. § 371 in an international.”

(2) The period of adjustment due to examination delay is provided by 37 C.F.R. § 1.703(a)(1), which defines the period as “[t]he number of days, if any, in the period beginning on the day after the date that is fourteen months after the date on which the application was under 35 U.S.C. § 111(a) or fulfilled the requirements of 35 U.S.C. § 371 and ending on the date of mailing of either an action under 35 U.S.C. § 132, or a notice of allowance under 35 U.S.C. § 151, whichever occurs first.” The application was filed on October 18, 2000 (*see*, Exhibit A). The adjustment period begins on December 19, 2001, which begins the fourteen-month period after filing the application. The adjustment period ends on January 17, 2002, which is the date the Restriction Requirement was mailed. Paper No. 7. Thus, the adjustment period is 30 days. *See*, Exhibit B.

(4) Furthermore, the 30-day adjustment period was further reduced by 56 days (*see*, Exhibit B) attributed to Applicants’ alleged delay because of filing a “Letter Making Patent Office Error of Record” with the payment of the issue fee on January 15, 2003. *See*, Exhibit C. This letter was sent to make of record an inconsequential error introduced by the PTO in the filing receipt. Such a minor error did not justify the issuance of a Certificate of Correction but Applicants felt that the error should appear in the prosecution history. This paper was erroneously entered in PAIR as a “312 Amendment.” *See*, Exhibit B. With this letter, Applicants were not requesting an amendment under 37 C.F.R. § 1.312, which constitutes grounds for reducing the period of adjustment of patent term (*see*, 37 C.F.R. § 1.704(c)(10)). However, “only certain papers (not all papers), filed after a ‘Notice of Allowance’ is mailed, cause substantial interference and delay in the patent issue process” (emphasis added). *See*, 1274 OG 111, of June 26, 2001, submitted

as Exhibit D. Applicants assert that the "Letter Making Patent Office Error of Record" should not be "considered a 'failure to engage in reasonable efforts' to conclude processing or examination of an application," since such a paper did not require any further action or consideration by the Patent Office.

(5) Given the above facts, Applicants should not be penalized any patent term during prosecution, therefore, the correct patent term adjustment for U.S. Patent 6,531,447 should be 30 days.

(6) U.S. Patent 6,531,447 is not subject to any terminal disclaimer.

CONCLUSION

Applicants respectfully request that the patent term adjustment for U.S. Patent 6,531,447 be reconsidered based on the facts described above and that Applicants' representatives be notified of the result. Applicants believe that all of the requirements for such reconsideration under 37 C.F.R. § 1.705(d), including payment of the appropriate fee, have been satisfied. However, if clarification or further information is required, please call the undersigned at the number listed below. If the fee included is incorrect or if there are any additional fees due in connection with the filing of this paper, please charge the appropriate fees, or credit any overpayment, to Deposit Account No. 08-3425. In the event of a favorable decision based on this request, Applicants further request reimbursement of the fee which has been paid pursuant to § 1.18(e), since payment of such fee was necessitated by a mistake of the Patent and Trademark Office.

Dated: April 4, 2003

Respectfully submitted,

By 

Janet M. Martineau

Registration No.: 46,903)

Attorney for Applicants

HUMAN GENOME SCIENCES, INC.

9410 Key West Avenue

Rockville, MD 20850

(301) 315-2723

KKH/JMM/FR/ba



US006531447B1

Exhibit A

(12) **United States Patent**
Ruben et al.

(10) Patent No.: **US 6,531,447 B1**
 (45) Date of Patent: **Mar. 11, 2003**

(54) **SECRETED PROTEIN HEMCM42**

(75) Inventors: **Steven M. Ruben**, Olney, MD (US);
Craig A. Rosen, Laytonsville, MD
 (US); **Kenneth C. Carter**, North
 Potomac, MD (US); **Patrick J. Dillon**,
 Carlsbad, CA (US); **Gregory A.**
Endress, Potomac, MD (US);
Guo-Liang Yu, Berkeley, CA (US);
Jian Ni, Rockville, MD (US); **Ping**
Feng, Gaithersburg, MD (US)

(73) Assignee: **Human Genome Sciences, Inc.**,
 Rockville, MD (US)

(*) Notice: Subject to any disclaimer, the term of this
 patent is extended or adjusted under 35
 U.S.C. 154(b) by 0 days.

(21) Appl. No.: **09/690,454**

(22) Filed: **Oct. 18, 2000**

Related U.S. Application Data

(63) Continuation of application No. 09/189,144, filed on Nov.
 10, 1998, now abandoned, which is a continuation-in-part of
 application No. PCT/US98/10868, filed on May 28, 1998.

(60) Provisional application No. 60/044,039, filed on May 30,
 1997, provisional application No. 60/048,093, filed on May
 30, 1997, provisional application No. 60/048,190, filed on
 May 30, 1997, provisional application No. 60/050,935, filed
 on May 30, 1997, provisional application No. 60/048,101,
 filed on May 30, 1997, provisional application No. 60/048,
 356, filed on May 30, 1997, provisional application No.
 60/056,250, filed on Aug. 29, 1997, provisional application
 No. 60/056,296, filed on Aug. 29, 1997, and provisional
 application No. 60/056,293, filed on Aug. 29, 1997.

(51) Int. Cl.⁷ **C07K 14/00**

(52) U.S. Cl. **514/2; 530/300; 530/350**

(58) Field of Search **530/300, 350;**
514/12

(56) **References Cited**

U.S. PATENT DOCUMENTS

6,207,642 B1 3/2001 Wiley

FOREIGN PATENT DOCUMENTS

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WO	WO 98/54206	12/1998	
WO	WO 98/55508	12/1998	
WO	WO 99/61471	12/1999	
WO	WO 01/45730	6/2001	
WO	WO 01/45730	* 12/2001 A61K/38/17

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 Hillier et al., Genbank Accession No. T74424 (Mar. 2,
 1995).

(List continued on next page.)

Primary Examiner—Karen Cochrane Carlson

(74) *Attorney, Agent, or Firm*—Human Genome Sciences,
 Inc.

(57) **ABSTRACT**

The present invention relates to novel human secreted
 proteins and isolated nucleic acids containing the coding
 regions of the genes encoding such proteins. Also provided
 are vectors, host cells, antibodies, and recombinant methods
 for producing human secreted proteins. The invention fur-
 ther relates to diagnostic and therapeutic methods useful for
 diagnosing and treating disorders related to these novel
 human secreted proteins.

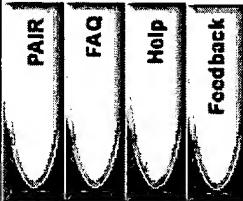
52 Claims, No Drawings



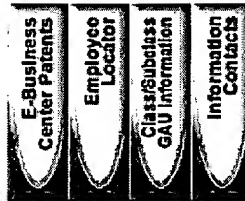
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Patent Term Adjustment (PTA) for application number: 09/690,454		
Filing or 371(c) Date: 10-18-2000	USPTO Delay (PTO): 30	Days
Issue Date of Patent: 03-11-2003	Three Years: -	
Pre-Issue Petitions (days): +0	Applicant Delay (APPL): 59	
Post-Issue Petitions (days): +0	Total PTA: 0	
USPTO Adjustment (days): +0	Explanation of Calculations	

Patent Term Adjustment History				
Number	Date	Contents Description	PTO (days)	APPL (days)
43	03-11-2003	Patent Issue Date Used in PTA Calculation		
42	02-05-2003	Receipt into Pubs		
41	01-30-2003	Application Is Considered Ready for Issue		
40	01-15-2003	Mailroom Date of Issue Fee Payment		
39	01-15-2003	Miscellaneous Incoming Letter		56
38	01-15-2003	Workflow - 312 Amendment - Finish		
37	01-15-2003	Workflow - 312 Amendment - Begin		
36	01-15-2003	Issue Fee Payment Recorded		
35	12-16-2002	Receipt into Pubs		
34	12-13-2002	Sequence Forwarded to Pubs on Tape		
33	10-25-2002	Workflow - File Sent to Contractor		
32	10-25-2002	Receipt into Pubs		

Exhibit B

31	10-16-2002	Mail Notice of Allowance			
30	10-16-2002	Notice of Allowance Data Verification Completed			
29	10-16-2002	Notice of Allowability			
28	10-08-2002	Date Forwarded to Examiner			
27	10-07-2002	Amendment after Final Rejection			
26	09-27-2002	Mail Final Rejection (PTOL - 326)			
25	09-27-2002	Final Rejection			
24	07-31-2002	Date Forwarded to Examiner			
23	07-29-2002	Response after Non-Final Action			3
22	07-31-2002	Mail Examiner Interview Summary (PTOL - 413)			↑
21	07-03-2002	Examiner Interview Summary Record (PTOL - 413)			↑
19	04-26-2002	Mail Examiner Interview Summary (PTOL - 413)			↑
18	04-26-2002	Mail Non-Final Rejection			↑
17	04-26-2002	Non-Final Rejection			
16	04-23-2002	Examiner Interview Summary Record (PTOL - 413)			
15	03-06-2002	Case Docketed to Examiner in GAU			
14	02-28-2002	X-Pre-Legal Complete Amended Case			
13	02-28-2002	Date Forwarded to Examiner			
12	02-19-2002	Response to Election / Restriction Filed			
11	02-19-2002	Information Disclosure Statement (IDS) Filed			
10	01-17-2002	Mail Restriction Requirement		30	
9	01-16-2002	Requirement for Restriction / Election		↑	
8	10-19-2000	Preliminary Amendment		↑	
7	01-07-2002	CRF Is Good Technically / Entered into Database		↑	
6	01-31-2001	Case Docketed to Examiner in GAU		↑	
5	01-13-2001	Application Dispatched from OIPE		↑	
4	01-13-2001	Application Is Now Complete		↑	
3	01-07-2001	Correspondence Address Change		↑	
2	11-03-2000	Application Scanned		↑	
1	10-18-2000	Initial Exam Team nn		↑	

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Exhibit C

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(MPEP § 503)

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Application of:
Ruben et al.

Docket No.: PZ006P1C1

Application Serial No.: 09/690,454-Conf. #1914

Art Unit: 1653

Filed: October 18, 2000

Examiner: K. Carlson

Title: Secreted Protein HEMCM42

The following documents were filed by Human Genome Sciences, Inc.
via hand delivery on January 15, 2003:

1. Return Receipt Card;
2. Fee Transmittal charging \$1,327.00 to deposit account (in duplicate);
3. Issue Fee Transmittal;
4. Part B-Fee(s) Transmittal w/appropriate fee (in duplicate);
5. Letter Making Patent Office Error of Record;
6. Copy of Marked-Up Official Filing Receipt; and
7. Copy of previously submitted Preliminary Amendment and PTO date-stamped postcard evidencing receipt of same.

KKH/JMM/FR/ba

RETURN RECEIPT CARD

(MPEP § 503)

OIPE:	Please Date Stamp In The Box Below And Return To Addressee

Application of:
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Docket No.: PZ006P1C1

Application Serial No.: 09/690,454-Conf. #1914

Art Unit: 1653

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KKH/JMM/FR/ba

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<h1 style="margin: 0;">FEE TRANSMITTAL</h1> <h2 style="margin: 0;">for FY 2003</h2> <p style="margin: 0; font-size: small;">Patent fees are subject to annual revision.</p>		Complete if Known	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		Application Number	09/690,454-Conf. #1914
TOTAL AMOUNT OF PAYMENT (\$) 1,327.00		Filing Date	October 18, 2000
		First Named Inventor	Steven M. Ruben
		Examiner Name	K. Carlson
		Group Art Unit	1653
		Attorney Docket No.	PZ006P1C1

METHOD OF PAYMENT (check all that apply)	FEE CALCULATION (continued)																																																																																																																																																																																														
<input type="checkbox"/> Check <input type="checkbox"/> Credit Card <input type="checkbox"/> Money Order <input type="checkbox"/> Other <input type="checkbox"/> None <input checked="" type="checkbox"/> Deposit Account Deposit Account Number: 08-3425 Deposit Account Name: Human Genome Sciences, Inc. The Commissioner is hereby authorized to: (check all that apply) <input checked="" type="checkbox"/> Charge fee(s) indicated below <input checked="" type="checkbox"/> Credit any overpayments <input checked="" type="checkbox"/> Charge any additional fee(s) during the pendency of this application <input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.	<h3 style="margin: 0;">3. ADDITIONAL FEES</h3> <table style="width: 100%; border-collapse: collapse; font-size: small;"> <thead> <tr> <th colspan="2">Large Entity</th> <th colspan="2">Small Entity</th> <th rowspan="2">Fee Description</th> <th rowspan="2">Fee Paid</th> </tr> <tr> <th>Fee Code</th> <th>Fee (\$)</th> <th>Fee Code</th> <th>Fee (\$)</th> </tr> </thead> <tbody> <tr><td>1051</td><td>130</td><td>2051</td><td>65</td><td>Surcharge - late filing fee or oath</td><td></td></tr> <tr><td>1052</td><td>50</td><td>2052</td><td>25</td><td>Surcharge - late provisional filing fee or cover sheet</td><td></td></tr> <tr><td>1053</td><td>130</td><td>1053</td><td>130</td><td>Non-English specification</td><td></td></tr> <tr><td>1812</td><td>2,520</td><td>1812</td><td>2,520</td><td>For filing a request for <i>ex parte</i> reexamination</td><td></td></tr> <tr><td>1804</td><td>920*</td><td>1804</td><td>920*</td><td>Requesting publication of SIR prior to Examiner action</td><td></td></tr> <tr><td>1805</td><td>1,840*</td><td>1805</td><td>1,840*</td><td>Requesting publication of SIR after Examiner action</td><td></td></tr> <tr><td>1251</td><td>110</td><td>2251</td><td>55</td><td>Extension for reply within first month</td><td></td></tr> <tr><td>1252</td><td>400</td><td>2252</td><td>200</td><td>Extension for reply within second month</td><td></td></tr> <tr><td>1253</td><td>920</td><td>2253</td><td>460</td><td>Extension for reply within third month</td><td></td></tr> <tr><td>1254</td><td>1,440</td><td>2254</td><td>720</td><td>Extension for reply within fourth month</td><td></td></tr> <tr><td>1255</td><td>1,960</td><td>2255</td><td>980</td><td>Extension for reply within fifth month</td><td></td></tr> <tr><td>1401</td><td>320</td><td>2401</td><td>160</td><td>Notice of Appeal</td><td></td></tr> <tr><td>1402</td><td>320</td><td>2402</td><td>160</td><td>Filing a brief in support of an appeal</td><td></td></tr> <tr><td>1403</td><td>280</td><td>2403</td><td>140</td><td>Request for oral hearing</td><td></td></tr> <tr><td>1451</td><td>1,510</td><td>1451</td><td>1,510</td><td>Petition to institute a public use proceeding</td><td></td></tr> <tr><td>1452</td><td>110</td><td>2452</td><td>55</td><td>Petition to revive - unavoidable</td><td></td></tr> <tr><td>1453</td><td>1,280</td><td>2453</td><td>640</td><td>Petition to revive - unintentional</td><td></td></tr> <tr><td>1501</td><td>1,280</td><td>2501</td><td>640</td><td>Utility issue fee (or reissue)</td><td>1,300.00</td></tr> <tr><td>1502</td><td>460</td><td>2502</td><td>230</td><td>Design issue fee</td><td></td></tr> <tr><td>1503</td><td>620</td><td>2503</td><td>310</td><td>Plant issue fee</td><td></td></tr> <tr><td>1460</td><td>130</td><td>1460</td><td>130</td><td>Petitions to the Commissioner</td><td></td></tr> <tr><td>1807</td><td>50</td><td>1807</td><td>50</td><td>Processing fee under 37 CFR 1.17(q)</td><td></td></tr> <tr><td>1806</td><td>180</td><td>1806</td><td>180</td><td>Submission of Information Disclosure Stmt</td><td></td></tr> <tr><td>8021</td><td>40</td><td>8021</td><td>40</td><td>Recording each patent assignment per property (times number of properties)</td><td></td></tr> <tr><td>1809</td><td>740</td><td>2809</td><td>370</td><td>Filing a submission after final rejection (37 CFR 1.129(a))</td><td></td></tr> <tr><td>1810</td><td>740</td><td>2810</td><td>370</td><td>For each additional invention to be examined (37CFR 1.129(b))</td><td></td></tr> <tr><td>1801</td><td>740</td><td>2801</td><td>370</td><td>Request for Continued Examination (RCE)</td><td></td></tr> <tr><td>1802</td><td>900</td><td>1802</td><td>900</td><td>Request for expedited examination of a design application</td><td></td></tr> <tr> <td colspan="2">Other fee (specify)</td> <td>8001</td> <td>Printed copy of patent w/o color (9@ \$3.00)</td> <td></td> <td>27.00</td> </tr> <tr> <td colspan="2"></td> <td colspan="2">*Reduced by Basic Filing Fee Paid</td> <td colspan="2">SUBTOTAL (3) (\$) 1,327.00</td> </tr> </tbody> </table>	Large Entity		Small Entity		Fee Description	Fee Paid	Fee Code	Fee (\$)	Fee Code	Fee (\$)	1051	130	2051	65	Surcharge - late filing fee or oath		1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet		1053	130	1053	130	Non-English specification		1812	2,520	1812	2,520	For filing a request for <i>ex parte</i> reexamination		1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action		1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action		1251	110	2251	55	Extension for reply within first month		1252	400	2252	200	Extension for reply within second month		1253	920	2253	460	Extension for reply within third month		1254	1,440	2254	720	Extension for reply within fourth month		1255	1,960	2255	980	Extension for reply within fifth month		1401	320	2401	160	Notice of Appeal		1402	320	2402	160	Filing a brief in support of an appeal		1403	280	2403	140	Request for oral hearing		1451	1,510	1451	1,510	Petition to institute a public use proceeding		1452	110	2452	55	Petition to revive - unavoidable		1453	1,280	2453	640	Petition to revive - unintentional		1501	1,280	2501	640	Utility issue fee (or reissue)	1,300.00	1502	460	2502	230	Design issue fee		1503	620	2503	310	Plant issue fee		1460	130	1460	130	Petitions to the Commissioner		1807	50	1807	50	Processing fee under 37 CFR 1.17(q)		1806	180	1806	180	Submission of Information Disclosure Stmt		8021	40	8021	40	Recording each patent assignment per property (times number of properties)		1809	740	2809	370	Filing a submission after final rejection (37 CFR 1.129(a))		1810	740	2810	370	For each additional invention to be examined (37CFR 1.129(b))		1801	740	2801	370	Request for Continued Examination (RCE)		1802	900	1802	900	Request for expedited examination of a design application		Other fee (specify)		8001	Printed copy of patent w/o color (9@ \$3.00)		27.00			*Reduced by Basic Filing Fee Paid		SUBTOTAL (3) (\$) 1,327.00	
Large Entity		Small Entity		Fee Description	Fee Paid																																																																																																																																																																																										
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1053	130	1053	130	Non-English specification																																																																																																																																																																																											
1812	2,520	1812	2,520	For filing a request for <i>ex parte</i> reexamination																																																																																																																																																																																											
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action																																																																																																																																																																																											
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action																																																																																																																																																																																											
1251	110	2251	55	Extension for reply within first month																																																																																																																																																																																											
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8021	40	8021	40	Recording each patent assignment per property (times number of properties)																																																																																																																																																																																											
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SUBMITTED BY		Complete (if applicable)	
Name (Print/Type)	Janet M. Martineau	Registration No. (Attorney/Agent)	46,903
Signature		Telephone	(301) 315-2723
		Date	January 15, 2003

VIA HAND DELIVERY JANUARY 15, 2003

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Ruben et al.

Docket No.: PZ006P1C1

Application No.: 09/690,454

Allowed: October 16, 2002

Filed: October 18, 2000

Group Art Unit: 1653

For: Secreted Protein HEMCM42

Examiner: K. Carlson

ISSUE FEE TRANSMITTAL

Box Issue Fee

Commissioner for Patents
Washington, DC 20231

Dear Sir:

In response to the Notice of Allowance and Fee(s) Due mailed October 16, 2002,
Applicants submit herewith:

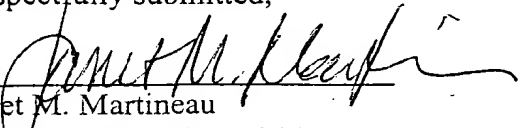
1. a Fee Transmittal Sheet, with appropriate fee(s); and
2. Part B - Fee(s) Transmittal (Form PTOL-85), with fee(s).

The U.S. Patent and Trademark Office is hereby authorized to charge any deficiency in
the fees filed, or credit any overpayment, to our Deposit Account No. 08-3425.

Dated: January 15, 2003

Respectfully submitted,

By


Janet M. Martineau

Registration No.: 46,903

HUMAN GENOME SCIENCES, INC.

9410 Key West Avenue

Rockville, Maryland 20850

(301) 315-2723

KKH/JMM/FR/ba

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: **Mail** Box ISSUE FEE
Commissioner for Patents
Washington, D.C. 20231
Fax (703)746-4000

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 4 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Legibly mark-up with any corrections or use Block 1)

22195 7590 10/16/2002
HUMAN GENOME SCIENCES INC
9410 KEY WEST AVENUE
ROCKVILLE, MD 20850

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Box Issue Fee address above, or being facsimile transmitted to the USPTO, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/690,454	10/18/2000	Steven M. Ruben	PZ006P1C1	1914

TITLE OF INVENTION: SECRETED PROTEIN HEMCM42

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1280 \$1300	\$0	\$1280 \$1300	01/16/2003

EXAMINER	ART UNIT	CLASS-SUBCLASS
CARLSON, KAREN C	1653	536-023100

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363):

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
- ☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.

2. For printing on the patent front page, list (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1 **HUMAN GENOME SCIENCES, INC.**
 2 _____
 3 _____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. Inclusion of assignee data is only appropriate when an assignment has been previously submitted to the USPTO or is being submitted under separate cover. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

HUMAN GENOME SCIENCES, INC.

ROCKVILLE, MD

Please check the appropriate assignee category or categories (will not be printed on the patent) ☐ individual ☒ corporation or other private group entity ☐ government

4a. The following fee(s) are enclosed:

- ☒ Issue Fee
- ☐ Publication Fee
- ☒ Advance Order - # of Copies 9

4b. Payment of Fee(s):

- ☐ A check in the amount of the fee(s) is enclosed.
- ☐ Payment by credit card. Form PTO-2038 is attached.
- ☒ The Commissioner is hereby authorized by charge the required fee(s), or credit any overpayment, to Deposit Account Number **08-3425** (enclose an extra copy of this form).

Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above.

(Authorized Signature) *Janet M. Martineau* (Date) **JANUARY 15, 2003**
Janet M. Martineau, Reg. No. 46,903

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, D.C. 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMIT THIS FORM WITH FEE(S)

VIA HAND DELIVERY JANUARY 15, 2003

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Ruben et al.

Docket No.: PZ006P1C1

Application No.: 09/690,454

Allowed: October 16, 2002

Filed: October 18, 2000

Group Art Unit: 1653

For: Secreted Protein HEMCM42

Examiner: K. Carlson

LETTER MAKING PATENT OFFICE ERROR OF RECORD

Commissioner for Patents
Washington, DC 20231

Dear Sir:

Applicants hereby submit that the Continuing Data stated on the official filing receipt, mailed January 15, 2001 contains an error committed by the Patent Office. Specifically, the priority information should read as follows:

This application is a CN of 09/189,144 11/10/1998 ABN
which is a CIP of PCT/US98/10868 05/28/1998
which claims benefit of 60/044,039 05/30/1997
and claims benefit of 60/048,093 05/30/1997
and claims benefit of 60/048,190 05/30/1997
and claims benefit of 60/050,935 05/30/1997
and claims benefit of 60/048,101 05/30/1997
and claims benefit of 60/048,356 05/30/1997
and claims benefit of 60/056,250 08/29/1997
and claims benefit of 60/056,296 08/29/1997
and claims benefit of 60/056,293 08/29/1997
~~and a CIP of PCT/US98/10868 05/28/1998~~

Applicants hereby submit that the error was committed by the Patent Office as evidenced by Applicants' Preliminary Amendment filed on October 18, 2000 (a copy of which is submitted herewith along with a copy of the date-stamped postcard). Applicants respectfully request that this Letter be made of record in the above-identified file, pursuant to MPEP §1480.

No fees are believed due with the submission of this Letter. However, should the Patent Office deem otherwise, the Patent Office is hereby authorized to charge any deficiency in the fees filed, or credit any overpayment, to our Deposit Account No. 08-3425.

Dated: January 15, 2003

Respectfully submitted,

By 
Janet M. Martineau

Registration No.: 46,903

HUMAN GENOME SCIENCES, INC.

9410 Key West Avenue

Rockville, Maryland 20850

(301) 315-2723

KKH/JMM/FR/ba



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
09/690,454	10/18/2000	1631	862	PZ006P1C1		24	4

Kenley K Hoover Esq
Human Genome Sciences Inc
9410 Key West Avenue
Rockville, MD 20850



RECEIVED FILING RECEIPT

JAN 18 2001
KKH SADS
HGS PATENT DEPT.



OC000000005678959

Date Mailed: 01/15/2001

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the PTO processes the reply to the Notice, the PTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Steven M. Ruben, Olney, MD ;
Craig A. Rosen, Laytonville, MD ;
Kenneth C. Carter, North Potomac, MD ;
Patrick J. Dillon, Carlsbad, CA ;
Gregory A. Endress, Potomac, MD ;
Guo-Liang Yu, Berkeley, CA ;
Jian Ni, Rockville, MD ;
Ping Feng, Gaithersburg, MD ;

Continuing Data as Claimed by Applicant

THIS APPLICATION IS A CON OF 09/189,144 11/10/1998 ABN WHICH IS A CIP OF
WHICH CLAIMS BENEFIT OF 60/044,039 05/30/1997
AND CLAIMS BENEFIT OF 60/048,093 05/30/1997
AND CLAIMS BENEFIT OF 60/048,190 05/30/1997
AND CLAIMS BENEFIT OF 60/050,935 05/30/1997
AND CLAIMS BENEFIT OF 60/048,101 05/30/1997
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AND CLAIMS BENEFIT OF 60/056,250 08/29/1997
AND CLAIMS BENEFIT OF 60/056,296 08/29/1997
AND CLAIMS BENEFIT OF 60/056,293 08/29/1997
~~AND A CIP OF PCT/US98/10868 05/28/1998~~

PCT/US98/10868 05/28/1998

Foreign Applications

If Required, Foreign Filing License Granted 01/07/2001

RECEIVED

APR 09 2003

TECH CENTER 1600/2900

HUMAN GENOME SCIENCES, INC

Please date stamp and return to addressee on reverse side

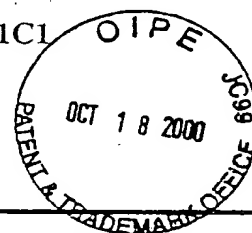
Applicants: Ruben et al.

Docket No. PZ006P1C1

Application No.: Unassigned

Filed: herewith

Title: 32 Human Secreted Proteins



Documents Filed Via Hand Delivery on October 18, 2000

1. Postcards (2);
2. Utility Patent Application Transmittal (CON) w/ 147 pgs. spec.
3. Fee Transmittal Sheet (in dupl.);
4. Preliminary Amendment;
5. Copy of Declaration of parent application (15 pgs.);
6. Request Under 37 CFR 1.821(e);
7. Copy of Petition for Extension of Time filed concurrently w/ parent application;
8. 102 pgs. of Sequence Listing in paper form.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Ruben et al.

Application Number: to be assigned

Group Art Unit: to be assigned

Filed: herewith

Examiner: to be assigned

Title: 32 Human Secreted Proteins

Attny. Docket No. PZ006PIC1

PRELIMINARY AMENDMENT

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir :

Prior to the prosecution of the above-captioned application, please enter the following amendments. Applicants submit concurrently herewith a copy of the Petition for Extension of Time under 37 C.F.R. § 1.136 ("Petition") filed in connection with parent application no. 09/189,144, which extends the time from June 18, 2000 to and including October 18, 2000. This Petition evidences copendency between parent application Serial No. 09/189,144 and the present application.

Amendments

In the Specification

Page 1, first paragraph, change "This application is a continuation-in-part of, and claims benefit under 35 U.S.C. § 120 of copending United States patent application Serial No: PCT/US98/10868, filed May 28, 1998, which is hereby incorporated by reference, which claims benefit under 35 U.S.C. § 119(e) based on U.S. Provisional Applications:" to -- This application is a Continuation of U.S. Application No. 09/189,144 filed November 10, 1998, which is hereby incorporated by reference, which is a continuation-in-part of, and claims benefit under 35 U.S.C. § 120 of copending United States patent application Serial No. PCT/US98/10868, filed May 28, 1998, which is hereby incorporated by reference, and which claims benefit under 35 U.S.C. § 119(e) based on the following U.S. Provisional Applications, all of which are hereby incorporated by reference: --

In the Claims

Please amend the claims as follows:

Claim 17, delete "or the polynucleotide of claim 1".

Please add the following claim:

-- 24. A method for preventing, treating, or ameliorating a medical condition, comprising administering to a mammalian subject a therapeutically effective amount of the polynucleotide of claim 1. --

REMARKS

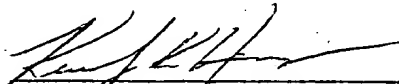
The specification has been amended to add priority information. The claims have been amended to more particularly point out and distinctly claim the subject matter applicants regard as the invention. Support for new claim 24 can be found throughout the application as filed.

No new matter has been introduced.

Applicants believe that no fee is required for this submission. However, should a fee be due, please charge such fee to Deposit Account No. 08-3425

Respectfully submitted

Date: October 18, 2000



Kenley K. Hoover (Reg. No. 40,302)
Attorney for Applicants

Human Genome Sciences, Inc.
9410 Key West Avenue
Rockville, MD 20850
(301) 610-5771 (telephone)

KKH/SA/ur